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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,714	04/17/2001	Kunikazu Okada	4970/OJ108	7561

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EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/05/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,714

Applicant(s)

OKADA, KUNIKAZU

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because figure 5, element s203 should disclose second, not "first". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Page 9 line 7 has a ""[quote] with no terminating quote.

Page 10 line 18, there is no space between "section16"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shalit (US 5714971).

In regards to claim 1, Shalit discloses a method for categorizing data according to a plurality of different hierarchical category attributes. (Figure 8, Element 97-101)
Shalit further discloses a method for displaying the category hierarchy structures of the said category attribute using a plurality of tree-style views, each indicating the hierarchical structures of a category attributes. (Figure 8, Element 97-101)

In regards to claim 2, Shalit discloses plural tree-style views being displayed side by side. (Figure 8, Element 97-101)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Steppan in view of Shalit (US 5714971).

In regards to claim 3, Steppan discloses a recording section for recording data having hierarchically organized category attributes. (See figure 1 attached) He further discloses a display section for displaying information regarding data recorded in said recording section.(See figure 1 attached) He further discloses that pieces of data having a plurality of different category attributes are recorded in said recording section .(See figure 1 attached) Steppan lacks the ability of having data displayed as a plurality of tree style views, each indicating the structure of a category. Shalit teaches that his invention "provides views of an object in an ordered, intelligent relationship to one another for assisting a user's understanding of the window's contents"(Column 1, Line 55, See also figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Steppan's invention and modify the tree view as per Shalit's teaching to obtain a plurality of tree style views, each indicating the structure of a category in order to facilitate the user in understanding the contents of the information displayed.

In regards to claim 4, Steppan discloses the limitations of claim 3 but does not disclose the processor receiving a combination of category attributes each being selected from among the respective category as an input. He further lacks the ability to extract data with category attributes corresponding to the input category selections from the data recorded in said recording section. He further lacks the ability for the processor to display information indicating the extracted data on said display section. Shalit discloses that it is possible to receive a combination of category attributes each to be selected from among respective categories as an input. (Figure 7, Element 93 and 94). He further teaches that it is possible to extract data with category attributes corresponding to the input category selections from the data recorded in said recording section. (Figure 7, Element 95) He further teaches it is possible to display information indicating the extracted data in said display section. (Figure 7, Element 95) It would have been obvious to one of ordinary skill in the art at the time of the invention to use Steppan's invention and modify it using Shalit's teachings to achieve query like device that displays the needed information in a multiple tree style form in order to facilitate the display of information to the user.

Since claim 5 is in the same context as claim 3 it is rejected under similar rationale as claim 3.

Since claim 6 is in the same context as claim 3 it is rejected under similar rationale as claim 3.

Since claim 7 is in the same context as claim 4 it is rejected under similar rationale as claim 4.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salas et. al. US 5,317,686

Bliss et. al. US 6,147,685

Giles et. al. US 6,437,812

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is 703-305-8774. The examiner can normally be reached on Monday-Friday except for every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100